



## COUNCIL MINUTES

August 23, 2010

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on August 23, 2010 at 5:45 p.m.

### COUNCIL PRESENT

Mayor Scott Smith  
Alex Finter  
Dina Higgins  
Kyle Jones  
Dennis Kavanaugh  
Dave Richins  
Scott Somers

### COUNCIL ABSENT

None

### OFFICERS PRESENT

Christopher Brady  
Debbie Spinner  
Linda Crocker

Invocation by Reverend Jeri Wilkerson, First United Methodist Church of Mesa.

Pledge of Allegiance was led by Scout David Allen, Troop No. 530.

Mayor's Welcome.

Awards, Recognitions and Announcements.

Mayor Smith said that the community came together to create the Arizona Celebration of Freedom that attracted more than 50,000 people to downtown Mesa for the two-day event. He noted that the Sertoma Club sponsored Mesa's Fourth of July Fireworks event for many years which was not held in 2009 because of economic reasons. Mayor Smith noted that the Sertoma Club was a leader in this effort along with the support of many volunteers. He introduced Public Information and Communications Director Steve Wright.

Mr. Wright said that many businesses, organizations, volunteers and City employees worked together to make the Celebration of Freedom a great success. He read the following names and asked those who were present to come forward to receive a Certificate of Appreciation:

#### Businesses & Organizations

Terry Benelli – NEDCO  
Ana Cadillo – Sister Cities & Southwest Ambulance  
Erika Delamarre – Entertainment Solutions  
Augie Gastelum – Larry John Wright Advertising  
Preston John – Larry John Wright Advertising  
Jim Monroe – Veterans Day Parade Association

#### City Staff

Kevin Christopher  
Miranda Culver  
Randi Davis  
J.D. Dockstader  
Barry Hegrenes  
Kathy MacDonald

Michelle O'Donnell – Entertainment Solutions	Tim Meyer
Carolyn Reyes – Entertainment Solutions	Melissa Randazzo
Jon Richards – Motorcycles on Main & Classic Car Show	Robert Schultz
Kendon S. Victor – Fireworks Productions of Arizona	Kristen Sorensen
Kerry Welty – Fireworks Productions of Arizona	Randy Vogel
Jared Taylor – Heritage Academy	Eloy Garza
Walt Zimmerman – Mesa Sertoma Club	Cina Sunderhaus
Kate Hastings – Downtown Mesa Association	Cindy Liska
Jan Holland-Malcom – Entertainment Solutions	Kelsi Graham
Ken Koziol – Entertainment Solutions	Shawn Lawson
Kevin Koziol – Entertainment Solutions	Bob Manista
Denise Majors – Veterans Day Parade Association	Jason Richardson
Barb Stowell – Heritage Academy	Scott Butler
Wes Waddle - Mesa Veterans Association	Kim Forbes
Suzanne Woodford – Second Friday	Anissa Bejarano
Christy Wulf – Downtown Mesa Association	Jesse Brodersen
Robert Brinton – Mesa Convention & Visitors Bureau	Lily King-Cisneros
Michelle Streeter – Mesa Convention & Visitors Bureau	Katie Brown
Rob Dickson – Southwest Ambulance	

Mayor Smith also expressed appreciation to the more than 400 volunteers who assisted with the various activities and to the local businesses that donated approximately \$300,000 in cash or in goods and materials, all of which contributed to making the event successful. He stated that he looked forward to having an even bigger and better event next year.

1. Take action on all consent agenda items.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Higgins that the consent agenda items be approved.

Carried unanimously.

**Items on the Consent Agenda**

\*2. Approval of minutes of previous meetings as written.

Minutes of the March 25, April 15 and 29, May 3, and July 1 and 8, 2010 Council meetings.

3. Take action on the following liquor license applications:

\*3a. AZ Center for Germanic Cultures Inc.

This is a one-day charitable event to be held on Saturday, December 4, 2010 from 11:00 a.m. to 9:00 p.m. at 1 N. MacDonald Street. **(District 4)**

\*3b. GEMDEMS

This is a one-day Political Party event to be held on Saturday, September 25, 2010 from 4:00 p.m. to 8:00 p.m. at 2359 S. Dobson Road. **(District 3)**

\*3c. Neighborhood Economic Development Corporation

This is a one-day civic event to be held on Friday, September 3, 2010 from 6:00 p.m. to 10:00 p.m. at 1 to 270 W. Main Street. **(District 4)**

\*3d. Neighborhood Economic Development Corporation

This is a one-day civic event to be held on Friday, October 1, 2010 from 6:00 p.m. to 10:00 p.m. at 1 to 270 W. Main Street. **(District 4)**

\*3e. M&M Mart

New Beer & Wine Store License for M&M Mart, 1155 S. Country Club Drive, Rakesh Chawla, Individual. This location presently has a Beer & Wine Store License held by Parminder S. Kaler that will revert back to the State. **(District 4)**

\*3f. Shell 77

New Beer & Wine Store License for Shell 77, 461 N. Val Vista Drive, Carioca Company – Randy D. Nations, Agent. The previous Beer & Wine Store License held at this location by Albertson's LLC was surrendered to the State on January 9, 2009. **(District 2)**

\*3g. Carbajal's Mexican Food

New Restaurant License for Carbajal's Mexican Food, 7302 E. Main Street, Suite 3, Carbajal's Mexican Food LLC – Marina Armendariz Carbajal, Agent. This is an existing building with no previous liquor license at this location. **(District 5)**

\*3h. Chicken Noodle House

New Restaurant License for Chicken Noodle House, 66 S. Dobson Road, Suite 107, Chicken Noodle House LLC – Laurence Edward Elliget, Agent. This location presently has a Restaurant License held under Mylynn Cafe LLC that will revert back to the State. **(District 3)**

\*3i. J&J Devine Restaurant Group

New Restaurant License for J&J Devine Restaurant Group, 2235 S. Power Road, Suite 127, J&J Devine Restaurant Group LLC – Randy D. Nations, Agent. The previous Restaurant License held at this location by Bullwinkles LLC became inactive with the State on March 31, 2010. **(District 6)**

\*3j. La Cascada Mexican Food

New Restaurant License for La Cascada Mexican Food, 540 W. Broadway Road, Suite 101-102, Mirella E. Ahumada Cabrera, Individual. This location presently has a Restaurant License held under Belinda L. Dominguez that will revert back to the State. **(District 4)**

\*3k. Mekong Palace

New Restaurant License for Mekong Palace, 66 S. Dobson Road, Suite 120, Mekong Palace LLC – Lawrence Edward Elliget, Agent. This will be a newly constructed restaurant. **(District 3)**

\*3l. On the Border

New Restaurant License for On the Border, 1710 S. Power Road, OTB Acquisition LLC – Clare Hollie Abel, Agent. This location presently has a Restaurant License held under Brinker Restaurant Corporation that will revert back to the State. **(District 6)**

\*3m. Roma Cafe Ristorante

New Restaurant License for Roma Cafe Ristorante, 7210 E. Main Street, Gaeta Foods LLC – Anthony Magliozzi, Agent. This is an existing building with no previous liquor license at this location. **(District 5)**

\*3n. Tilted Kilt

New Restaurant License for Tilted Kilt, 1910 S. Gilbert Road, Mesa Roadhouse LLC – Randy D. Nations, Agent. This location presently has a Restaurant License held under SBIG TKG LLC that will revert back to the State. **(District 4)**

4. Take action on the following bingo application:

\*4a. BINGO – CLASS A

Hometown Crescent Run **(District 6)**  
Barbara Stearns  
8500 E. Southern Ave  
Mesa, AZ 85209

5. Take action on the following contracts:

\*5a. Purchase of (23) Replacement 69kV Transmission Poles for the Energy Resources Department (Fully Funded by Capital Improvement Program, Utility Revenue Bonds) **(Citywide).**

The Purchasing Division recommends awarding the contract to the lowest, responsive and responsible bidder, Sanpec, Inc. at \$118,258.27 for the purchase.

- \*5b. Renewal of the Term Supply Contract for Automotive Lubricant and Oil Products for the Fire and Fleet Services Departments **(Citywide)**.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Brown Evans Distributing Company, a Mesa business, at \$242,000, based on estimated annual purchases.

- \*5c. Term Contract for Fire Protective Clothing for the Fire Department **(Citywide)**.

The Purchasing Division recommends awarding the contract to the highest scored proposal, United Fire Equipment Company at \$100,000 annually, based on estimated requirements.

- \*5d. Term Contract for Heavy Duty Truck Brake and Wheel Parts for the Fleet Services Department **(Citywide)**.

The Purchasing Division recommends awarding the contract to the lowest, responsive and responsible bidder, Westpac Heavy Duty, Inc., dba C. W. Carter Co. at \$146,570.44 annually, based on estimated requirements.

- \*5e. Dollar Limit Increases for Various Potable Water Treatment Chemicals for the Water Resources Department **(Citywide) - Deleted**.

- \*5f. Renewal of the Term Contract for Printed Utility Bill Coupons for the Mail & Print Services Division **(Citywide)**.

The Purchasing Division recommends renewing the contract with Century Graphics, Inc. at \$34,593.45, including applicable sales tax.

- \*5g. Aging Wastewater Line Replacement, El Dorado and Guadalupe Road **(District 3)**.

City Project No. 05-061-001. This project will replace the existing 8-inch diameter wastewater line in Guadalupe Road along the El Dorado alignment.

Recommend award to the low bidder, Standard Construction Company, Inc., in the amount of \$71,450.00, plus an additional \$7,145.00 (10% allowance for change orders) for a total award of \$78,595.00. Funding is available in the FY 10/11 Wastewater Bond Capital Program.

- \*5h. Install Bus Shelters **(District 1, 2, 3, and 4)**

City Project No. 06-047-001. This project will install seven (7) shelters at high use bus stops that do not currently have shelters. Benches and waste receptacles will be provided at two locations where right of way does not exist for a complete shelter installation.

Recommend award to the low bidder, HW Johnson Concrete Construction LLC, in the amount of \$131,785.00, plus an additional \$13,178.50 (10% allowance for change orders) for a total award of \$144,963.50. Funding is available in the FY 10/11 Mass Transit Capital Budget.

- \*5i. Rehabilitate Southern Avenue Wastewater Line, west on Southern Avenue from Horne to the Tempe Canal (**District 3 and 4**) – **Deleted**.

6. Take action on the following resolutions:

- \*6a. Approving and authorizing the City Manager to execute a Task Force Agreement with the United States Department of Justice, Drug Enforcement Administration (DEA) to accept funds up to \$51,606.75. Funds will be used to reimburse the Police Department for overtime for three officers assigned to the DEA Phoenix Task Force – Resolution No. 9752 .
- \*6b. Approving and authorizing the City Manager to execute a Task Force Agreement with the United States Department of Justice, Drug Enforcement Administration (DEA) to accept funds up to \$17,202.25. Funds will be used to reimburse the Police Department for overtime for one officer assigned to the DEA Tactical Diversion Task Force – Resolution No. 9753.
- \*6c. Endorsing Management Policy No. 358 establishing a Meet and Confer process for sworn public safety employee groups as revised – Resolution No. 9754.

7. Introduction of the following ordinances and setting August 30, 2010, as the date of public hearing on these ordinances:

- \*7a. Amending §11-18-8 of the zoning ordinance to allow notice of a proposed rezoning amendment to occur through either posting of a site, or through a newspaper advertisement for publically initiated zoning cases. This amendment would still require private landowners seeking rezoning to post notice at a site and placement of legal notice in the newspaper.

P&Z Recommendation: Adoption. (Vote: 6 – 0, Boardmember Arnett absent)

- \*7b. **Z10-02 (District 6)** 11464 East Germann Road. Located on the west side of the Meridian Road alignment, between Pecos Road and Germann Road (229± acres) Modification of Ordinance #4870. This request will allow the phasing of development on the site. CMC Steel owner. Andrew Sarat, applicant.

P&Z Recommendation: Approval with Conditions. (Vote 7 – 0)

- \*7c. **Z10-19 (District 6)** 5850 East Still Circle. Located on the south side of the Superstition Freeway and east of Recker Road. Council Use Permit. This request will allow the development of a Freeway Landmark Monument Sign for A.T. Still University. Monica L. Harrison, owner; James Carpentier, applicant. (PLN2010-00131)

P&Z Recommendation: Approval with Conditions. (Vote: 6 – 0, Boardmember Arnett absent)

DRB Recommendation: Approval with Conditions. (Vote 5 – 0, Boardmember LeSueur absent)

8. Take action on the following subdivision plat(s):

- \*8a. "TROVITA ESTATES PHASE I" (**District 2**) – 915 North Val Vista Drive. Located north and east of Adobe Street and Val Vista Drive. 55 R1-15 PAD lots. (39.1± ac.) Taylor Morrison/Arizona, Inc., owner; Joe Kraft, EPS Group, Inc., surveyor.

\*9. Assign delinquent accounts to collection services for the three-month period ending June 30, 2010, totaling \$539,299.

**Items not on the Consent Agenda**

10. Items from citizens present.

There were no items from citizens present.

11. Adjournment.

Without objection, the meeting adjourned at 6:08 p.m.

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SCOTT SMITH, MAYOR

ATTEST:

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LINDA CROCKER, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Council Meeting of the City Council of Mesa, Arizona, held on the 23rd day of August 2010. I further certify that the meeting was duly called and held and that a quorum was present.

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LINDA CROCKER, CITY CLERK

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